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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

No. CR-04-20198-JF

Plaintiff,

STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING DATE FOR
STATUS CONFERENCE AND
EXCLUDING TIME FROM DECEMBER
10, 2008 THROUGH JANUARY 28, 2009
FROM CALCULATIONS UNDER THE
SPEEDY TRIAL ACT

v.

TRIEU LAM and
THANH TRAN,
a/k/a David Tran

Defendants.

Defendant Trieu Lam ("Lam" or "defendant") and plaintiff United States of America,
hereby stipulate as follows:

1. The above-captioned case is a trade secret case in which there are thousands of pages of discovery. There are outstanding discovery issues. Defendant Lam and the government have entered into a stipulated protective order to facilitate the discovery of confidential information. On November 1, 2006, defense counsel raised additional issues concerning this information. In February 2007, the government has sent defense counsel a response to these issues. On March 11, 2007, defense counsel requested clarification of the government's responses. On April 26, 2007, the government provided this clarification. The parties met on September 13, 2007, and

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1 began investigating the issues that arose from this meeting. The parties completed a substantial
2 portion of their investigation and met in late January 2008 to discuss a potential disposition to
3 this matter. Due to conflicts in their schedules, the parties were unable to meet again until July
4 29, 2008. At that meeting, the parties discussed a potential disposition that would require
5 additional investigation. The parties need additional time to complete their investigations and
6 discussions to determine whether a disposition is possible. In addition, with the commencement
7 of the holiday season, the parties anticipate that several individuals necessary to the investigation
8 may be unavailable for differing amounts of time. Moreover, government will be unavailable the
9 week of December 8, 2008 because of family reasons.

10 2. The defendant understands and agrees to the exclusion of time from calculations under
11 the Speedy Trial Act, 18 U.S.C. § 3161, for the period from December 10, 2008 through January
12 28, 2009, based upon the need for the defense counsel to analyze the confidential information
13 and investigate further the facts of the present case. Defense counsel needs additional time to
14 investigate the facts of this case and evaluate further possible defenses and motions available to
15 the defendant.

16 3. A status conference will not being meaningful until after defendant Lam has had an
17 opportunity to complete his investigation. The parties agree that the status conference currently
18 scheduled for December 10, 2008 and should be continued to January 28, 2008 at 9 a.m.

19 4. The attorney for defendant Lam joins in the request to exclude time under the Speedy
20 Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is
21 necessary for effective preparation of the defense; believes the exclusion is in the defendant's
22 best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C.
23 § 3161, should be for the period from December 10, 2008 through January 28, 2009.

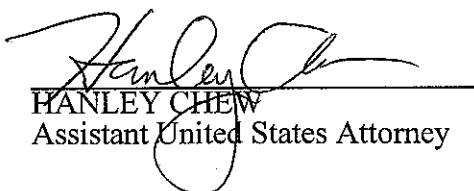
24 Given these circumstances, the parties believe, and request that the Court find, that the
25 ends of justice are served by excluding the period from December 10, 2008 through January 28,
26 2009, from calculations under the Speedy Trial Act and that the requested exclusion outweighs
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the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 11/18/08

JOSEPH P. RUSSONIELLO
United States Attorney


HANLEY CHEW
Assistant United States Attorney

DATED:

STEVEN R. MANCHESTER
Attorney for defendant Trieu Lam

[PROPOSED] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from December 10, 2008 through January 28, 2009, based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and is in the defendant's best interests; and (3) the ends of justice are served by excluding from calculations under the Speedy Trial Act the period from December 10, 2008 through January 28, 2009.

Accordingly, the Court further orders that (1) the status conference set for December 10, 2008 is vacated and that the next appearance date before this Court is scheduled for January 28, 2009 at 9:00 a.m.; and (2) the period from December 10, 2008 through January 28, 2009 is

1 the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18
2 U.S.C. § 3161(h)(8)(A) & (B)(iv).
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4 IT IS SO STIPULATED.

5 DATED:

JOSEPH P. RUSSONIELLO
United States Attorney

8 HANLEY CHEW
Assistant United States Attorney

10 DATED: 11/17/2008

11 
STEVEN R. MANCHESTER
Attorney for defendant Trieu Lam

13 **[PROPOSED] ORDER**

14 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
15 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
16 U.S.C. § 3161, for the period from December 10, 2008 through January 28, 2009, based upon the
17 need for the defense counsel to investigate further the facts of the present case, review the
18 discovery that the government has already provided and evaluate further possible defenses and
19 motions available to the defendant; (2) the exclusion of time is necessary for effective
20 preparation of the defense and is in the defendant's best interests; and (3) the ends of justice are
21 served by excluding from calculations under the Speedy Trial Act the period from December 10,
22 2008 through January 28, 2009.

23 Accordingly, the Court further orders that (1) the status conference set for December 10,
24 2008 is vacated and that the next appearance date before this Court is scheduled for January 28,
25 2008 at 9:00 a.m.; and (2) the period from December 10, 2008 through January 28, 2009 is

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1 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

2 IT IS SO ORDERED.

3 DATED: 11/26/08

4 
5 THE HONORABLE JEREMY FOGEL
6 UNITED STATES MAGISTRATE JUDGE
7 DISTRICT

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STIP & [PROPOSED] ORDER CONT.
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